

SUBSTITUTE ORDINANCE NO. BL2019-1518

An ordinance amending ~~Title 6~~, Chapter 6.81 of the Metropolitan Code of Laws regarding Booting Services.

WHEREAS, the public safety is entrusted to booting services; and,

WHEREAS, sections of Chapter 6.81 need to be amended to provide further clarity to the citizens of Nashville and Davidson County subject to booting and the licensees and employees engaged in the act of booting; and,

WHEREAS, it is in the best interests of the people of Nashville and Davidson County that the amendments be made.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 6.81.005 of the Metropolitan Code of Laws shall be amended by adding the following definition:

"Residential parking area" means a contiguous or nearly contiguous parking area containing public streets and highways or parts thereof where residents dwell.

Section 2. That Section 6.81.080(B) of the Metropolitan Code of Laws shall be amended by deleting the phrase "twenty-one" and replacing it with "eighteen."

Section 3. That Section 6.81.080(G) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"A permit issued by the commission to an employee of a booting service permitting such person to engage in the practice of booting shall be issued for a period of one year at a fee of fifty dollars, plus an additional forty dollars for an investigation of the person applying for the permit. The commission shall have the authority to adopt future increases in the fee to pay for the cost of the investigation of the permit applicant, subject to approval of the metropolitan council by resolution."

Section 4. That Section 6.81.080 of the Metropolitan Code of Laws shall be amended by adding the new subsection (L) and the following language:

"All persons engaged in the act of booting must wear a uniform which contains the name and/or logo of the booting company on the right or left chest of the shirt or jacket the employee is wearing."

Section 5. That Section 6.81.100 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"6.81.100 Vehicle Requirements and Damages

Vehicles being used by operators to assist in the operation of a vehicle immobilization service must display on each side, in plain view, the name of the vehicle immobilization service, and the telephone number of the vehicle immobilization service. The lettering

shall be in a contrasting color to the color of the vehicle, or if a vehicle magnet is used, the lettering shall be in a contrasting color to the color of the magnet. The lettering shall be at least 1.5 inches in height.

A vehicle immobilization service must maintain a 24-hour a day, 365 days per year phone number that is staffed by a live operator to communicate immediately with a driver of a vehicle that has been immobilized by the vehicle immobilization service.

In the event that the application of a vehicle immobilization device damages a vehicle, then the vehicle immobilization service or operator must pay the cost of repairs for that damage.

~~In the event that the owner or driver of a vehicle, to which an immobilization device has been applied, attempts to operate said vehicle or remove the device, then the vehicle immobilization service is not liable for any damage to that vehicle. Additionally, the owner, driver or person in charge of the vehicle, will be liable to the vehicle immobilization service for the cost of damage to the vehicle immobilization device.~~

It shall be unlawful for either a vehicle immobilization service or an operator to immobilize vehicles at any off-street parking facility, vacant lot, or other private property without having a valid written contract specifically for such services entered into with the private property owner, lawful lessee, managing agent or other person in control of the property."

Section 6. That Section 6.81.140 of the Metropolitan Code of Laws shall be amended by deleting the word "fifty" and replacing it with "seventy five."

Section 7. That Section 6.81.150 of the Metropolitan Code of Laws shall be amended by deleting the word "towed" and replacing it with "booted."

Section 8. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by deleting section B and section C, and renumbering the remainder of the section accordingly.

Section 9. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by deleting section E and replacing it with the following language:

"To fail to respond and arrive to a booted vehicle to remove the boot within one hour of being contacted by the owner or operator or to fail to remove the boot within 15 minutes after full boot removal payment has been received.

Section 10. That Section 6.81.170 of the Metropolitan Code of Laws shall be amended by adding a new section and the following language:

"For a person or company to engage in the business of providing booting services within the area of the metropolitan government without first obtaining and keeping in force a license from the commission to operate a booting service."

Section 11. That Section 6.81.180(a) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"No boot shall be placed on a vehicle parked on private property unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is placed at the property's intended ingress/egress. All signage must be inspected by the TLC staff within seven days of installation and must bear a decal affixed by TLC staff to indicate compliance after inspection is complete. The TLC Director may, if necessary, require additional signage for notification.

Such signs shall include the following information in red lettering on a white background:

Parking Policy Strictly Enforced

Violators will be Booted or Towed at Owner's Expense

\$75.00 Maximum Booting fee

[Name and 24-hour phone number of booting and/or towing company]."

Section 12. That Section 6.81.200(A) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"The MTLC Director is authorized to suspend, revoke, otherwise restrict, or not renew any license or permit issued under this article for failing or refusing to comply with the provisions of this chapter or the MTLC rules and regulations."

Section 13. That Section 6.81.200(B) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"No action to suspend, revoke or place on probation any license or permit provided for in this chapter shall be taken by the commission or the MTLC Director, except in emergency situations, until the licensee or permittee has been furnished a written statement of the Metropolitan Code Violations and a notice of the time and place of the hearing to be held thereon. The furnishing of such notice and the reasons for the commission's or MTLC Director's proposed action shall be given to such licensee or permittee at least fifteen days prior to the date of the hearing. If at such hearing, the commission finds the licensee or permittee has violated the Metropolitan Code or any provision of Section 6.81, it may suspend, revoke or place on probation the license or permit previously issued by it.

Section 14. That Section 6.81.200(C) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"Upon the failure to renew any license or permit, the commission or MTLC Director shall so notify the licensee or permittee, giving the licensee or permittee the reasons for its failure to renew the license or permit. The licensee or permittee may by a simple written request addressed to the commission, ask for and request a hearing by the commission as to the reasons for the commission's or MTLC Director's failure to renew the license or permit. The commission shall then grant the licensee or permittee a hearing and shall fix the time and place for such hearing within thirty days and shall promptly notify the licensee or permittee of the time and place. It shall be incumbent upon the commission at the hearing to substantiate the reasons for its failure to renew the license or permit."

Section 15. That Section 6.81.200(D) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following language:

"At any hearing provided for in this chapter, the licensee or permittee shall have the right to be represented by an attorney of his/her choice, to present evidence, to have witnesses testify under oath on his behalf, and the strict rules of evidence shall not apply."

~~Section 16. That Title 6, Section 6.81.200 of the Metropolitan Code of Laws shall be amended by adding a new section (E) and the following language: "The maximum suspension period for any one violation of this article shall be sixty days. The maximum fine for any violation of this article shall be \$1,000.00."~~

~~Section 17.~~ 16. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Member of Council